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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,

vs.

DENNIS ALBA,

Defendant.

Case No.: 2:19-cr-00070-JAD-JDA

**STIPULATION TO CONTINUE
HEARING FOR SENTENCING**

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, United States Attorney, and Simon F. Kung, Esq., Assistant United States Attorney, David R. Fischer, Esq., counsel for defendant DENNIS ALBA, that the Hearing for Sentencing in the above-captioned matter set for Monday, July 26, 2021 at 11:00 A.M. be vacated and continued to a date and time convenient to the Court but no earlier than thirty (30) days.

This Stipulation for the continuance is entered into for the following reasons:

1. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that “the court may, for good cause, change any limits prescribed in this rule”;

2. Counsel request this additional time in order to allow adequate time to research Sentencing issues and to prepare for the sentencing hearing;
3. Counsel communicated with the Defendant, DENNIS ALBA, who is currently in custody at the Nevada Southern Detention Center, and ALBA agrees with the continuance;
4. This is the first request for a continuance filed herein.

WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing to be set to a date and time convenient to the Court but no earlier than thirty (30) days.

DATED this 21st day of July, 2021.

/s/ Simon F. Kung
SIMON F. KUNG, ESQ.
Assistant United States Attorney
Counsel for the United States

/s/ David R. Fischer
DAVID R. FISCHER, ESQ.
Counsel for Defendant ALBA

CERTIFICATE OF ELECTRONIC SERVICE

I HEREBY CERTIFY that I am an employee or agent of the LAW OFFICE OF DAVID R. FISCHER and am a person of such age and discretion as to be competent to serve papers.

That on the 21st day of July, 2021, I served a copy of the above and foregoing **STIPULATION TO CONTINUE SENTENCING HEARING** in the following manner(s):

☒ ELECTRONIC SERVICE: Pursuant to Local Rule IC 4-1 of the United States District Court for the District of Nevada, the above-referenced document was electronically filed and served on all appearing parties through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above referenced document for overnight delivery via a nationally-recognized courier, addressed to the parties listed below at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

☐ EMAIL: By sending the above-referenced document via email to those persons at the email addresses set forth below:

/s/ David R Fischer
DAVID R. FISCHER

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
vs.

Case No.: 2:19-cr-00070-JAD-JDA

DENNIS ALBA,

Defendant.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that “the court may, for good cause, change any limits prescribed in this rule”;
2. Counsel request this additional time in order to allow adequate time to research Sentencing issues and to prepare for the sentencing hearing;
3. Counsel communicated with the Defendant, DENNIS ALBA, who is currently in custody at the Nevada Southern Detention Center, and ALBA agrees with the continuance;
4. This is the first request for a continuance filed herein.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public, since the failure to grant said continuance would be likely to result in a miscarriage of

1 justice, would deny the parties herein sufficient time and the opportunity within which to be
2 able to effectively and thoroughly prepare for sentencing, taking into account the exercise of
3 due diligence.

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5 **ORDER**

6 IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for
7 Monday, July 26, 2021, at 11:00 A.M., be continued to September 20, 2021, at 3:00 P.M.

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11 **IT IS SO ORDERED:**

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13 **HONORABLE JENNIFER A. DORSEY**
14 **UNITED STATES DISTRICT JUDGE**

15 Case No.: 2:19-cr-00070-JAD-JDA

16 **DATED: July 22, 2021.**
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